

# Contemporary Communications

June 26, 1995

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Mr. William F. Caton, Acting Secretary  
FEDERAL COMMUNICATIONS COMMISSION  
Room 222  
1919 M Street, NW  
Washington, DC 20554

RECEIVED

JUN 30 1995

FCC MAIL ROOM

Re: Petition for Rule Making  
New FM - Channel 243A  
Raton, New Mexico

Dear Mr. Caton:

Enclosed please find an original and five copies of a Petition for Rule Making, filed on behalf of N'JOY BROADCASTING, requesting the allotment of FM Channel 243A to Raton, New Mexico, as that community's second local FM service.


If this proposal is ultimately adopted, N'Joy Broadcasting will promptly apply for authority to construct and operate a new station on the proposed channel.

An additional copy of the first page of the petition is enclosed. Please date-stamp and return to us in the enclosed postage-paid envelope.

If there are any questions, please advise.

Respectfully submitted,

CONTEMPORARY COMMUNICATIONS

  
Larry G. Fuss  
Consultant to N'Joy Broadcasting

enclosures (as above)

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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JUN 30 1995

In the Matter of

Amendment of Section 73.202(b)  
Table of Allotments,  
FM Broadcast Stations  
(Raton, New Mexico)

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MM Docket \_\_\_\_\_  
RM - \_\_\_\_\_

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To: The Commission

**PETITION FOR RULE MAKING**

Comes now N'Joy Broadcasting (hereafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), to allocate FM Channel 243A to Raton, New Mexico, as that community's second local FM service.

**Proposal of Petitioner:**

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<u>City</u>	<u>Channel Numbers</u>	
	<u>Present</u>	<u>Proposed</u>
Raton, New Mexico	229C2	229C2, 243A

  
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In support of this proposal, the following information is herewith submitted for consideration:

Raton is an incorporated city located in northern New Mexico, approximately 190 kilometers northeast of Sante Fe, New Mexico. It is the county seat of Colfax County, New Mexico. The city population is 8,225 and the county population is 13,706 1/. Adoption of this proposal will provide Raton with its second local broadcast service.

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested allotment. Based on the information contained therein, it appears that the requested channel could be allocated to Raton in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, without the imposition of a site-restriction.

If this proposal is adopted, Petitioner will promptly apply for authority to construct and operate a new FM broadcast station at Raton, New Mexico. If a construction permit is granted, Petitioner will promptly construct and operate the proposed station.

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1/ Population figures from the 1990 or 1980 U.S. Census.

In accordance with Section 1.52 of the Commission's Rules and Regulations, I hereby certify that I have examined the foregoing Petition for Rule Making and the attached Technical Exhibit and that both are true and correct to the best of my knowledge and belief.

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,

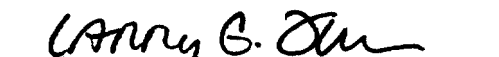
N'JOY BROADCASTING



Mary Alice Rateau  
8264 South Cody  
Littleton, CO 80123

By:

CONTEMPORARY COMMUNICATIONS



Larry G. Fuss, Consultant  
P.O. Box 1787  
Cleveland, MS 38732

June 19, 1995

# **TECHNICAL EXHIBIT**

**IN SUPPORT OF  
PETITION FOR RULE MAKING  
NEW FM - CHANNEL 243A  
RATON, NEW MEXICO**

**N'JOY BROADCASTING**

**Prepared June 12, 1995**

**CONTEMPORARY COMMUNICATIONS  
Broadcast Consultants  
Post Office Box 1787  
Cleveland, MS 38732  
Phone: (601) 846-1787  
Fax: (601) 843-0494**

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**P.O. BOX 1787 • CLEVELAND, MS 38732 • (601) 846-1787 • FAX (601) 843-0494**

## **TECHNICAL EXHIBIT**

**IN SUPPORT OF  
PETITION FOR RULE MAKING  
NEW FM - CHANNEL 243A  
RATON, NEW MEXICO**

**N'JOY BROADCASTING**

## **INTRODUCTION**

This Technical Exhibit supports the petition of N'Joy Broadcasting, seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 243A to Raton, New Mexico, as that community's second local FM channel.

## **ALLOCATION**

A study was performed using the computerized *SEARCHFM* frequency search program and the current FCC/NTIS database to determine if Channel 243A could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel and IF separations. The results of that study indicate that Channel 243A may be allocated to Raton in full compliance with Section

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73.207(b), without the imposition of a site-restriction.

The "useable area" for Channel 243A is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation arcs from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is ample area in the vicinity of Raton in which to locate a transmitter site. Assuming maximum Class A facilities (6 kw @ 100 meters above average terrain), a transmitter site at any location within the useable area would enable the proposed station to provide adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

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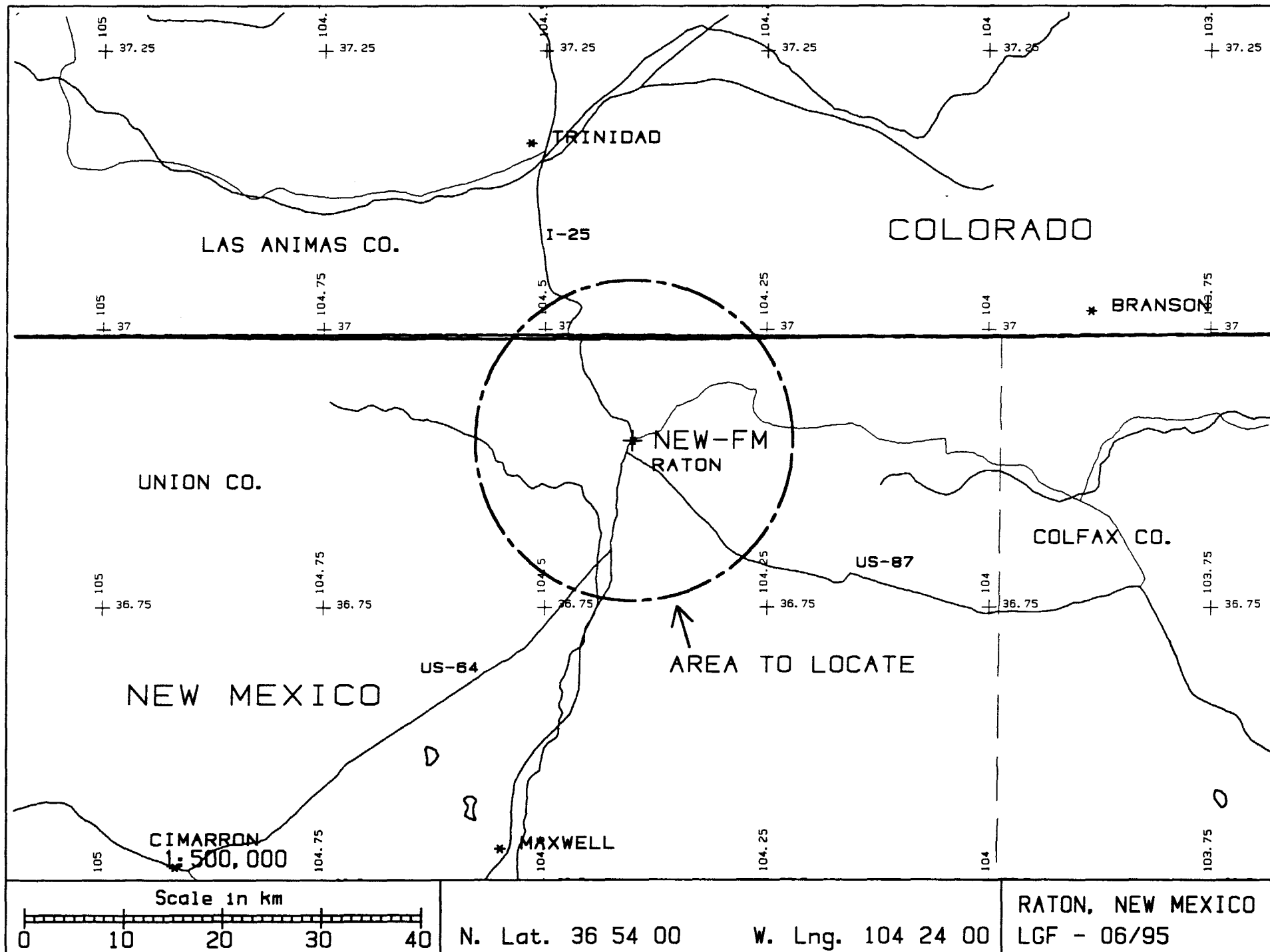
## CONCLUSION

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 243A is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

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CONTEMPORARY COMMUNICATIONS  
BROADCAST CONSULTANTS

EXHIBIT B

RATON NEW MEXICO  
NEW "DROP-IN" STUDY

REFERENCE

36 54 00 N  
104 24 00 W

CLASS = A

Current Spacings

DISPLAY DATES

DATA 04-26-95  
SEARCH 06-12-95

----- Channel 243 - 96.5 MHz -----

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.			HAAT			
KXPK.C	CPM 243C	Evergreen	CO	322.49	342.9	226.0	96.49
39 40 35	105 29 09	CN	100.000 kW		530 M		
Evergreen Communications Corp				BMPH940228IC	940818		
KHFM	LI 242C	Albuquerque	NM	263.00	224.6	165.0	98.00
35 12 44	106 26 58	CY	20.000 kW		1260 M		
Mexico Classical Radio, Inc.				BLH870210KB	880114		
KHUG	LI 240A	Rocky Ford	CO	139.56	25.5	31.0	108.56
38 02 05	103 43 13	HN	2.600 kW		29 M		
Two A, Inc.				BLH3261	930325		
KCCY	LI 245C	Pueblo	CO	208.80	348.8	95.0	113.80
38 44 43	104 51 41	CY	72.000 kW		695 M		
Mc Coy Broadcasting Company				BLH940217KC	940811		
KNKN	LI 296C2	Pueblo	CO	163.26	352.6	15.0	148.26
38 21 32	104 38 13	CN	50.000 kW		103 M		
Guardian Communications, Inc.				BLH920430KC	941117		
KNKN.C	CP 296C2	Pueblo	CO	163.26	352.6	15.0	148.26
38 21 32	104 38 13	CN	50.000 kW		95 M		
Guardian Communications, Inc.				BPH941102IA	950217		

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## CERTIFICATION

State of Mississippi     )  
                                      )   ss.  
County of Bolivar        )

I, Larry G. Fuss, do hereby certify as follows:

- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by N'Joy Broadcasting to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

Larry G. Fuss  
Larry G. Fuss  
Affiant

6/19/95  
Date